

ZB# 75-9

Frank Purdy

55-1-49.1

75-9- Purdy, Frank
~~15-3~~-Cond. use & Variance

Previous minutes sent
5/6/75 to R.D.

R.H. - ~~June 9th~~ -

July 14th - 8:15.

ORANGE County Planning
Notified 7/3/75.

File w/ Town
Clerk.

GENERAL RECEIPT

Town of New Windsor, N. Y.

Nº 2484

Received of Frank Purdy July 30 1975
Twenty - five and 00/100 \$25.00
Variance Application Dollars

For DISTRIBUTION

FUND	CODE	AMOUNT
<u>25.00</u>		
<u>Check</u>		

Deputy TITLE
 BY Charlotte Marcantonio

WILLIAMSON LAW BOOK CO, ROCHESTER, N Y 14609

55-1-49.1

Legal Notice
PUBLIC NOTICE OF
HEARING BEFORE
THE ZONING BOARD
OF APPEALS
PLEASE TAKE NOTICE that the
Zoning Board of Appeals of the Town
of New Windsor, New York will hold
a public hearing pursuant to Section
48-33 A of the Zoning Ordinance on
the following proposition:
Appeal No. 9 Request of Frank
Purdy for a Variance & Conditional
Use Permit of the regulations of the
Zoning Ordinance, to permit
Commercial Dog Kennel, being a
Variance & Conditional Use Permit,
Section 48-6 A (N), for property own
ed by him situated as follows: South
Side of Riley Road, adjacent to N Y
Thruway & Erie Lackawanna RR in
the Town of New Windsor.
SAID HEARING will take place on
the 14th day of July, 1975, at the New
Windsor Town Hall, 555 Union
Avenue, New Windsor, N Y beginn
ing at 8:15 o'clock P M.
THEODORE JARGSTORF,
Chairman
July 5 By Patricia Delio, Secy

State of New York
County of Orange, ss:

Olga Trachewsky, being duly sworn deposes and
she
says that ~~he~~ is Principal Clerk of Newburgh-
Beacon News Co., Inc., Publisher of The Evening News,
a daily newspaper published and of general circulation in
the Counties of Orange and Dutchess, and that the notice
of which the annexed is a true copy was published ..
One Time
in said newspaper, commencing on the 5th day of
July A.D., 1975, and ending on
the 5th day of July A.D., 1975

Subscribed and sworn to before me this
..... 7th day of July 1975

Olga Trachewsky
Patricia Delio

Notary Public of the State of New York, County of Orange.
MY COMMISSION EXPIRES MARCH 30, 1977

NEW WINDSOR ZONING BOARD OF APPEALS
STATE OF NEW YORK : COUNTY OF ORANGE

-----X
In the Matter of the Application of

FRANK PURDY

For a Use Variance for a Commercial Dog Kennel
in a Residential Area.

DECISION CONCERNING
DENIAL OF A USE VARIANCE
BY NEW WINDSOR ZONING BD.
OF APPEALS ON 7/28/75

-----X
WHEREAS FRANK PURDY of R. D. #2 - Riley Road, New Windsor, New York has made application for a use variance under the Zoning Local Law of the Town of New Windsor, Table of Use Regulations, Section 3.2, Column B, in an R-4 A (suburban residential) Zone; and

WHEREAS application was made under Application #75-3 of the year 1975, the purpose of which was to request permission to place a commercial kennel on the applicant's property, thereby expanding the present existing kennel (private) which consists of four dog runs to a commercial kennel consisting of twelve dog runs; and

WHEREAS before the application was scheduled for public hearing, the applicant requested the opinion of the Town Attorney as to whether the establishment of a commercial kennel would be permitted by right, by special permit, by variance, or would require a zoning change; and

WHEREAS the opinion of the Town Attorney which was relayed back to the applicant was that a zoning change was necessary; and

WHEREAS the applicant originally scheduled an appearance before the Town Board to apply for a zoning change and subsequently withdrew his request for a zoning change and pursued his application for a variance before the Zoning Board of Appeals; and

WHEREAS a public hearing on the application was held by the Zoning Board of Appeals at the Town Hall, New Windsor, New York on the 14th day of July, 1975

after due notice by publication in The Newburgh Evening News and due notice to residents and businesses within 500 feet of the subject premises by certified mail; and

WHEREAS at the public hearing the petitioning applicant has represented by counsel, Robert DiNardo, and at said public hearing opposition was heard to the proposed use variance, letters of support were read into the record with respect to the use variance for the kennel, and the proposed operation of the commercial kennel was explained in detail; and

WHEREAS at the conclusion of the public hearing, the Zoning Board of Appeals reserved decision for one meeting; and

WHEREAS at a Zoning Board meeting held on the 28th day of July, 1975 the Zoning Board of Appeals entertained verbal discussion on the matter before rendering its decision, including a statement by a member of the Zoning Board of Appeals who had visited the site in the interim since the public hearing and who had discussed the matter with neighbors, and discussion from nearby residents opposed to proposed operation who had not been at the previous meeting and whose letter had been overlooked at the previous meeting, as well as additional comments from several individuals who had appeared at the public hearing and reappeared at the following meeting to hear the decision; and

WHEREAS a verbatim transcript was made at the public hearing but no transcript was made nor tape recording made of the decision which preceded the decision rendered on the 28th day of July, 1975; and

WHEREAS the Town Attorney advised the Zoning Board of Appeals that the legal test for a use variance is unnecessary hardship; and

WHEREAS the Zoning Board of Appeals of the Town of New Windsor voted three in favor of granting a variance; two opposed to granting the variance; one abstention and one absent; and

WHEREAS the application for a variance failed for the applicant did not obtain

the necessary vote of four "ayes."

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals makes the following findings of fact in this matter.

- (1) There is significant opposition as well as significant support with respect to the proposed commercial kennel in the residential (R-4 A) Zone.
- (2) The applicant intended to raise and board Labradors and other animals at the property.
- (3) The rear yard variance (area) would be needed in addition to the use variance.
- (4) The property is located immediately adjacent to the N.Y.S. Thruway which carries a great deal of traffic and generates a substantial amount of noise, the applicant contending that the Thruway noise would drown out the barking of the dogs.
- (5) The applicant's house is located less than 50 feet away from the proposed commercial kennel.
- (6) The proposed kennel is adjacent to the Erie Railroad as well as the N.Y.S. Thruway.
- (7) There is already a commercial kennel servicing the area in an adjacent commercial zone and that kennel is known as Camarest Kennel.
- (8) The applicant was made aware of the procedure for obtaining a zoning change in this area to provide for commercial kennels, but elected on his own to pursue a variance instead of a zoning change, and the zoning change approach is still available to the applicant.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor hereby confirms by resolution the vote taken on July 28, 1975 wherein a use variance to permit the establishment of a commercial kennel in an R-4 A Zone as requested by applicant FRANK PURDY was denied for failure to obtain the required four "aye" votes necessary for approval; and

(* See Note - Page 4)

BE IT FURTHER RESOLVED that the Secretary of the Zoning Board of Appeals is directed to forward a copy of this decision to the applicant, the applicant's attorney, the Town Planning Board of the Town of New Windsor, and the Town Clerk.

Dated: New Windsor, N. Y.

Aug. 25, 1975.


THEODORE JARGSTORF, Chairman

* ROLL CALL:

Mrs. Budney	- No
Mr. Bivona	- Yes
Mr. Bilello	- Yes
Mr. McCarville	- No
Mr. Yorkis	- Yes
Mr. Jargstorf	- Abstaining

555 Union Avenue
New Windsor, N. Y. 12550
August 26, 1975

Mr. Robert DiNardo
13A West Main Street
Washingtonville, N. Y. 10992

RE: APPLICATION FOR VARIANCE - Frank Purdy

Dear Bob:

As promised, enclosed please find copy of formal decision of the
Zoning Board of Appeals on the above entitled matter.

Sincerely,



PATRICIA DELIO, Secretary
Zoning Board of Appeals

/pd

Enc.

cc: Mr. and Mrs. Frank Purdy ✓
with Enclosure

555 Union Avenue
New Windsor, N.Y. 12550
August 14, 1975

Robert DiNardo, Esq.
13A West Main Street
Washingtonville, N. Y. 1099a

RE: PURDY APPLICATION FOR VARIANCE - Dog Kennel

Dear Bob:

As requested at our Zoning Board meeting of July 28th, enclosed please find copy of the following minutes:

ZBA Minutes of July 28, 1975 and

ZBA Minutes of July 14, 1975.

If I can be of any further assistance please do not hesitate to call.

Kindly be advised that a copy of the formal decision will be forthcoming.

Yours truly,

PATRICIA DELIO, Secretary

/pd

Encs. (2)

July 13, 1975

R. D. #2, Riley Road
New Windsor, New York
12550

Mr. M. Fischer, Supervisor, and
Town Board, Town of New Windsor
Re: Purdy Kennel

Dear Mr. Fischer and others,

I regret that a previous engagement will prevent me from attending the hearing on Mr. Purdy's Kennel. I do feel that since I will be the neighbor in closest proximity to Mr. Purdy, my veiws should be considered.

I am aware of the proposed location of the kennel. Since it will be as far from the road and all neighbors as possible, I have no objection to it. In fact, since there must be kennels somewhere, I doubt whether any more favorable locations exist (i.e. a heavily treed lot, deep distance from the road, and thruway background noise are apt to oversound any noise the dogs might make).

In addition I would like to attest that Mr. Purdy's control over his own dogs is unsurpassed in this neighborhood by myself or any of the other neighbors that own dogs. Thank you for considering this.

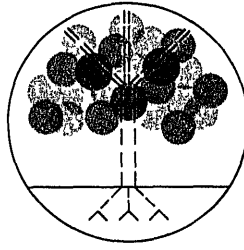
Very truly yours,

Gerald F. Webb
Gerald F. Webb

Exhibit A

Department of Planning

Peter Garrison, A I P , Commissioner
Edwin J Garling, A I P , Deputy Commissioner



The County Building
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V Mills, County Executive

July 16, 1975

Mr. Theodore Jargstorf, Chairman
New Windsor Zoning Board of Appeals
c/o Patricia Delio, Secretary
Franklin Avenue
New Windsor, New York 12550

RE: Variance and Special Permit
Purdy - Riley Road
Our File No. NWT 75-13-M

Dear Mr. Jargstorf:

Our office is in receipt of the above application in accordance with the provisions of Section 239, 1 and m, Article 12-B of the General Municipal Law of the State of New York.

We have no objection to the applications and hereby return the matter for final determination by your Board.

Very truly yours,

Edwin J. Garling
Deputy Commissioner of Planning

Reviewed by:
Joel Shaw
Senior Planner
JS/bd

APPLICATION FOR CONDITIONAL USE

Application No. 75-3

Date: _____

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (WE) Frank Purdy of R.D. #2 - Riley Road
(Street and number)

Newburgh

New York

hereby make

(State)

APPLICATION TO THE ZONING BD. OF APPEALS OF THE TOWN OF NEW WINDSOR FOR THE
USE OF:

A. LOCATION OF THE PROPERTY: R.D. 2 - Riley Road

USE DISTRICT OF ZONING MAP RA

B. PROVISIONS OF THE ZONING ORDINANCE APPLICABLE. (Indicate the Article, section, sub-section and paragraph of the Zoning Ordinance applicable, Do not quote the ordinance). 48-6A (n)

C. NOTE: NECESSARY FINDINGS: The Zoning Board must find all of the following to apply.

1. The requested use will not create conditions different from existing uses in the area because: private Kennel in existence on property;

commercial kennel (Camarest) in immediate area; proposed location of Kennel

not visible from road or by any other property owners and is adjacent to

+ thruway and railroad

2. Such use will not cause congestion around entrance or exit because:

No Noticable Increase in Traffic anticipated; long driveway with turn

around; visibility good in both directions of entrance.

3. Such use will not create traffic hazards because:

See 2 above

4. Such use will not be the cause of giving off noxious gases, odors, smoke or soot because:

Conditions will be sanitary; no manufacturing or processing involved.

5. Such use will not cause disturbing emission of electrical discharges, dust, light, vibration noise or radioactivity because of: _____

See 4 above

6. Such use will not change the character of the neighborhood because:

Private Kennel in existence on property; commercial kennel (Camarest)

in immediate area; proposed location of Kennel not visible from road

or by any other property owners and is adjacent to thruway and railroad.

D. DESCRIBE IN DETAIL HOW PROPERTY IS TO BE USED: _____

Commercial Dog Kennel to Board Dogs and Cats. Sketch attached in duplicate.

(Use separate sheet of paper if necessary)

E. SUBMIT IN DUPLICATE

1. Plot plan
2. Description of Building
3. Picture site, including adjacent property.

- F. APPLICATION to be accompanied by a check - Payable to Town of New Windsor. Application to be returned to Patricia Delio, Secretary, New Windsor Zoning Board of Appeals, 7 Franklin Avenue, New Windsor New York.

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.

Sworn to this 25th day of April 19 75

Frank Purdy
Petitioner's Signature

Frank Purdy

Relay Rd
Address

ROBERT E. DINARDO
Notary Public State of New York
Qualified in Orange County
My Commission Expires Mar. 30, 1979

DO NOT WRITE IN THIS SPACE

Application No. _____

Date of Hearing _____

Date of Decision _____

Decision: _____

Date Received _____

Notice Published _____

Letter Against -
7/14/75 (Purdy
B. H.)

R.D. 2, Riley Rd.
New Windsor N.Y.
July 9, 1975 - 12550

Zoning Board of Appeal
of Town of New Windsor N.Y.
555 Union Ave
New Windsor, N.Y. 12550

JUL 11 1975

Gentlemen of the Board

This letter is being written because, we (Jones & Maria R. Davis) will not be able to attend. The appeal No. 9 Request of Frank Purdy for a Variance & Conditional use permit of the regulation of zoning ordinance, to permit Commercial Dog Kennel.

We are against a Commercial Dog Kennel in what we had hope of a quiet Residential Neighborhood. There already is a dog Kennel in the back of us, which at time is noisy. Plus with neighbor dogs we feel with another dog Kennel our Surrounding will be nothing but dogs. Therefore we are Strongly Against it.

Thank you
James L. Davis,
Maria R. Davis

PROPOSED KENNEL, FRANK PURDY

1/8" = 1'

See page 32 for specific kennel requirements

Zone: R 4 A -

Nearest neighbor 275' away
Letter w/ no objection

Area variances

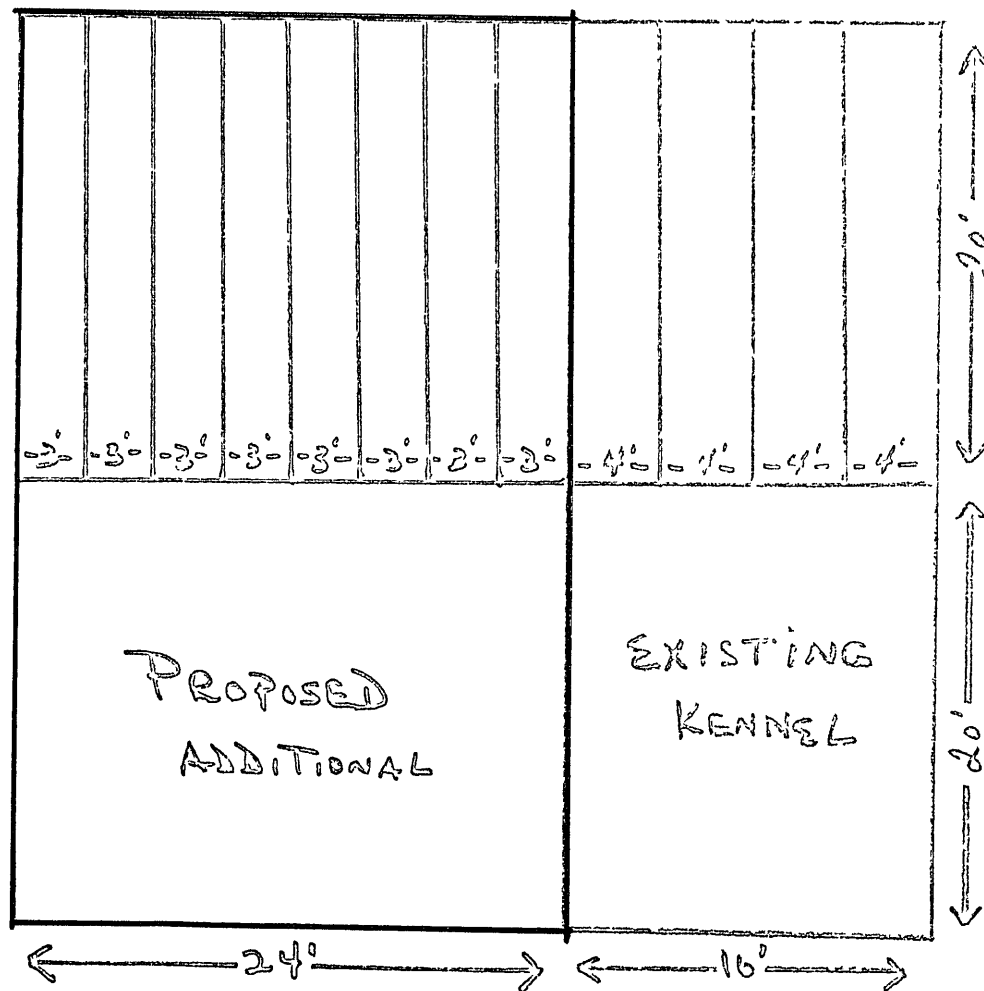
Bonding!!

Labradors or other.

Rear yard variance & use
variance

lot of opposition from neighbors

Hose down block building, clean daily,
remove feces, and
fire inspection, no dogs meet



Purdy
Kennel

7/14/75

Maurice Estates, Inc.
Box 356
Vails Gate, New York 12584

Kennedy, Fitzhugh L. & Dolores
R.D. #2 - Riley Road
New Windsor, New York 12550

Day, Emmett & Bernetha
R.D. #2 - Riley Road
New Windsor, New York 12550

Smith, William & Marion
R.D. #2 - Riley Road
New Windsor, New York 12550

Jeffries, Jesse
R. D. #2 - Riley Road
New Windsor, New York 12550

Johnson, Edward B.
R.D. #2 - Riley Road
New Windsor, New York 12550

Lovett, John E. & Claretta
R.D. #2 - Riley Road
New Windsor, New York 12550

Cartwright, Augustus J. & Essie M.
P.O. Box 563
Vails Gate, New York 12584

Powell, John & Essie
R.D. #2 - Riley Road
New Windsor, New York 12550

Henning, Frank J. & Ruth E.
R.D. #2 - Riley Road
New Windsor, New York 12550

Wygant, Charles K. & Catherine E.
R.D. #2 - Riley Road
New Windsor, New York 12550

Webb, Gerald F. & Judith A.
R.D. #2 - Riley Road
New Windsor, New York 12550

West, Joseph & Dolores
1003 St. Nicholas Avenue - Apt. #51
New York, New York

Condon, Michael
8 Carson Avenue
Newburgh, New York 12550

Wilson, Sam & Carrie
2 Riley Road
New Windsor, New York 12550

Harris, Bryant & Ella
Box 525
Vails Gate, New York 12584

Peterson, Alton & Alice
R.D. #2 - Riley Road
New Windsor, New York 12550

Borden, Lindbergh & Annie
c/o Michael Condon
8 Carson Avenue
Newburgh, New York 12550

Davis, James L. & Maria R.
R.D. #2 - Riley Road
New Windsor, New York 12550

Kirton, Warren & Olga
R.D. #2 - Riley Road
New Windsor, New York 12550

Adler, William
Highland Mills
New York 10928

Miele, Oneillo
25 Seven Lakes Road
Sloatsburg, New York

Krohne, Roberta L. & Ronald V.R.
Box 368
Vails Gate, New York 12584

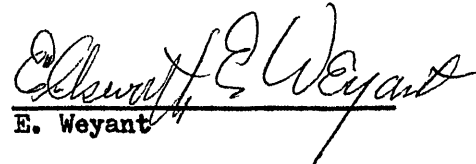
Grath, Emil L. & June L.
Box 431
Vails Gate, New York 12584

Allen, Joseph W. & Julia
Vails Gate
New York 12584

Patane, Henry
Box 13
Vails Gate, New York 12584

Cascino, Louis & Casaccio, Paul
Alder Drive
New Windsor, New York 12550

Respectfully submitted,


E. Weyant

LUDMERER, VURNO, DINARDO & GOLDRICH, Attorneys at Law
13A WEST MAIN STREET, WASHINGTONVILLE, NEW YORK 10992 TELEPHONE 914/496 3828

VICTOR J LUDMERER
GEORGE T VURNO
ROBERT E. DINARDO
DONALD S GOLDRICH

June 24, 1975

Ms. Patricia Delio
Secretary
New Windsor Zoning Board of Appeals
7 Franklin Avenue
New Windsor, New York 12550

RE: PURDY SUBDIVISION
Our File No. M1085

Dear Pat:

Pursuant to our recent conversation, enclosed find the following:

1. Application for variance
2. Application for conditional use
3. Two copies of approved sub-division and
Two copies of sketch of proposed dog kennel
4. Public notice form
5. copy of Assessor's list of property owners
within 500 foot radius

As you know, I have not been able to secure a copy of the new zoning ordinance and consequently, the enclosures all make reference to the old ordinance with the exception of listing the zone (R4A) in accordance with the new ordinance.

Actually the originals of the enclosed applications have previously been given to you. By copy of this letter to the Town Attorney, I am advising him of this action and hope that this form of application will be considered sufficient in view of the circumstances.

I will have the return receipts at the public hearing scheduled for July 14th.

In view of the proximity of the New York State Thruway I feel

LUDMERER, VURNO, DINARDO & GOLDRICH, Attorneys at Law

Ms. Patricia Delio

-2-

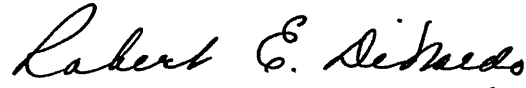
June 24, 1975

this matter must be referred to the Orange County Planning Department and assume that you will forward a copy of the plans to them directly.

If there is anything further that you require, please call me.

Thank you for your cooperation.

Sincerely,


ROBERT E. DINARDO *(initials)*

RED:mh

Encls.

cc: Philip A. Crotty, Jr., Esq.
Town Attorney
555 Union Avenue
New Windsor, New York 12550

Frank Purdy
Reilly Road
New Windsor, New York 12550

LUDMERER, VURNO, DINARDO & GOLDRICH, Attorneys at Law
13A WEST MAIN STREET, WASHINGTONVILLE, NEW YORK 10992 TELEPHONE 914/496-3626

VICTOR J. LUDMERER
GEORGE T. VURNO
ROBERT E. DINARDO
DONALD S. GOLDRICH

April 28, 1975

Philip A. Crotty Jr., Esq.
Town Attorney
555 Union Avenue
New Windsor, New York 12550

RE: PURDY SUBDIVISION
Our File No. M 1085

Dear Mr. Crotty:

Confirming my request before the Zoning Board of Appeals on April 28, 1975, I would appreciate your opinion regarding the establishment of a commercial kennel by Mr. Purdy under the proposed zoning ordinance. Is such a use permitted as of right, by special permit, allowed by variance, or require a zoning change? I would appreciate your written opinion by May 15th.

I plan to publish the notice of public hearing by May 27th and understand we will be on the agenda for the June 9th meeting at which time the public hearing will be held.

Since you anticipate a decision on the proposed new ordinance by May 21st, I would also like to discuss this application with you on either May 22nd or May 23rd.

Very truly yours,

RED/dd
cc:

ROBERT E. DINARDO

Frank Purdy Jr.
Riley Rd. RD #2
Newburgh, NY 12550

Secretary of the ~~Planning~~ ^{Zoning} Board
555 Union Avenue
Newburgh, New York 12550

NEW WINDSOR ZONING BOARD OF APPEALS
Regular Session
August 20, 1973

MEMBERS PRESENT: Mrs. Budney, Chairman Fred
Wygant, William Goemann,
Ed Flanagan, Vincent Bivona
and Mark Stortecky, Lawrence
Bilello.

ALSO PRESENT: Bernard J. Sommers, Esq.,
Board Attorney and Patricia
Delio, Board Secretary.

The August 20, 1973rd meeting of the ZBA was called to order
by Chairman Fred Wygant at 7:30 p.m. Secretary called the roll.

Motion followed to approve the minutes of the June 16th
meeting as written, by Ed Flanagan, seconded by Mark Stortecky.
Motion carried, all ayes.

Correspondence:

1. Letter dated July 13, 1973 from Joseph Tallarico,
Chairman of the Planning Bd., directed to the Town Board regarding
the Moulton Site Plan.

2. Letter, dated July 13, 1973, from Howard Collett, Bldg.
Inspector, directed to Mr. Marsden regarding the hours of operation
of the Starr Sand and Gravel business.

3. Letter, dated July 18, 1973 from Attorney John Stanton
regarding Planning Board site plan review and authority thereof.

4. List of Building Permits and CO's for July. Reviewed
and filed.

5. A leaflet informing the ZBA of the 35th Annual Planning
and Zoning Institute to be held October 21st through 23rd. Mark
Stortecky authorized by the board members to attend this conference.

* * * * *

Preliminary Meeting: Mr. Frank Purdy appeared before the
Board requesting permission to operate a dog kennel on his property
located on Riley Road, bordering the Thruway and the Erie Railroad.
Mr. Purdy stated that his property is in an RA zone and the closest
house on one side is 750 feet; and the closest house on the other side
is 500 feet. There pre-existed a kennel previously to the operation
which is proposed. Secretary furnished all the necessary paperwork
and a public hearing was scheduled for October 1st at 8 p.m.

* * * * *

Decision: Biagini (Farview Homes, Inc.) - Chairman Fred
Wygant reported receiving a decision from the Orange County Planning
Dept. dated August 17, 1973 regarding the soil and drainage conditions
of this piece of land located on Bethlehem Road. The County reported

August 20, 1973

that this property should not be used for residential purposes because of the extremely poor soil conditions present.

Motion followed by Larry Bilello seconded by Mark Stortecky to grant a 20 ft. front yard variance to Mr. Biagini to build the residence on the property located on Bethlehem Road.

ROLL CALL: Mr. Bivona: No.
Mrs. Budney: No
Mr. Bilello: No
Mr. Goemann: Abstaining
Mr. Flanagan: No
Mr. Stortecky: No
Mr. Wygant: No

Secretary instructed to send a letter to the Building Inspector and Planning Board advising them of the denial of the Biagini application, together with a copy of the letter received from the Orange County Planning Dept.

Regarding the above application, the Board found the following to be true:

1. Due to the extremely poor soil conditions, which could cause ponding and possible flooding from the watershed area above, and severe conditions which could cause the septic systems from working and possible contamination of the water, the application must be denied.

2. The map previously submitted for site plan approval by the Planning Board, and site plan approval subsequently granted by the Planning Board, showed the stream in a different place and said map was not accurately depicted.

3. Denial of this application is also based on a letter dated August 17, 1973 from the Orange County Planning Board which, after consultation with the Soil Conservation Service, strongly recommended that this lot not be used for residential purposes because of the conditions mentioned in No. 1 above.

The Board, therefore, concluded the following:

1. Conditions and circumstances are not unique to the applicant's land, structure or building and do apply to the neighboring lands, structures or buildings in the same zone.

2. Strict application of the provisions of this ordinance would not deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone.

3. Relief will cause substantial detriment to the public good and impair the purposes and intent of this ordinance.

* * * * *

August 20, 1973

PUBLIC HEARING - On Application of Central Hudson Gas & Electric Corp. for a variance to construct an electric transmission line and future constructure of an electric distribution substation on its property located on Bethlehem Road.

Application read by secretary along with the public hearing notice which appeared in the newspaper on August 4, 1973. A list of property owners within 500 feet received from the Town Assessor along with return receipts numbering 15. All fees paid. (List of spectators attending the public hearing attached hereto.)

Mr. David Hinckley of Central Hudson Gas & Electric Corp. appeared before the Board and read the attached statement which was his presentation on behalf of the utility company. Mr. Hinckley also added the following:

"I read with interest an article which appeared in the Stewart Citizen. I was very impressed by its accuracy. I was impressed also by the headling that "Central Hudson comes back". We never left! We have served you continuously and faithfully since May of 1904. In December 1930 Newburgh Light and Power became Central Hudson and we have served the Town since 1930. We have owned the property since July 1954 before the Town adopted the ordinance in 1964.

I also have a map to submit for the Board members and also for you good people in the audience. (Map passed around). The second drawing submitted shows contours of the area. If there are any questions from the Board, I would be happy to answer them. (None were forthcoming.) Are there any comments or questions from the audience?"

Mr. Ed Timberger: I live on Bethlehem Road. I boarder the south along the stone wall. How far will this be from me? Will this be from the southerly boundary line? How far is the unit?

Mr. Hinckley: 50 feet from the fence; 105 feet from the property line. There is 50 feet of woods along the stone wall and our fence.

Mr. Timberger: My property runs down with you. You will probably cut down all the trees. Your crew will be hacking away and you won't leave any trees there. They get 20 feet high.

Mr. Hinckley: It would seem to me that the Planning Board told us that we have to build the building in conformance with the plans submitted and we would be in big trouble if we did anything else.

Mr. Timberger: I have a nice piece of property there and some day I will want to sell it. How am I going to get a good price for it?

Mr. Wayne Craft: Bethlehem Road. There will be no extensive clearing of the land?

Mr. Wygant: We can make that a condition of our approval so that they will be under Town control. We can grant out approval with that as a condition.

August 20, 1973

Mr. Hinckley: I would add a guarantee, if we do have to remove trees or they die in this area, we would attempt to adequately landscape this area to screen the neighbors. It is not our intention to place a substation in the middle of everything. We would like to hide it. We will landscape it if it becomes necessary.

Mr. Goemann: How wide is the file line? You have a file line on all transmission line. I wondered how wide.

Mr. Hinckley: About 75 feet.

Mr. Timberger: To hide that fence or transformer is going to be difficult. Some day I will want to sell my property and someone will see it.

Mr. Hinckley: If you have an individual problem and would like to discuss it, we would be glad to talk to you.

Mr. Timberger: I am the only guy who sits on the Central Hudson property line. I look out my door and it is there. I am going to be looking at the transformer also. The building looks nice but the transformer is there and you will have a stockade fence there. It is still there. I don't care what you say now.

Mr. Wygant: How much land do you own?

Mr. Timberger: I have 2 3/4 acres; maybe 260 feet along the road. About 10 years ago I tried to buy that piece of land from Central Hudson. I told them that they were keeping it for a substation and they said "never".

Mr. Craft: Why was that particular area chosen? You have the right-of-way through Petro's land, through the woods. There is no traffic there. Is this station going to be manned in this residential area?

Mr. Hinckley:

There will be no traffic there and this station will not be manned. There will be a great deal of traffic there during construction only and for a short period of time. Once it is complete, there will be someone in about 3 or 4 times a month. The maintenance crews will come to paint it occasionally and it will have to be plowed out when it snows in the winter. This station is automated. The reason why we picked this location is because it is under the transmission lines and it is in a network of distribution lines and it does effectively serve by reinforcing the other stations serving that area without a lot of distribution lines. We would like to minimize the number of lines overhead.

Mr. Craft: With your present location, how many lines will you be putting in? If you put it further west across Bethlehem Road on the other property, how many lines are you going to put up now and where are they going to go.

Mr. Hinckley: I confuse people sometimes by using the terms "transmission" and "distribution". We consider in the electrical industry, a transmission line, which takes a large block of power from a generating station to a substation. This does not serve

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customers along the way. You might consider it as a wholesale or warehouse operation. The distribution lines do serve individual customers and you might consider this a retail type of operation. We have no plans for additional transmission lines east or west. There are two which connect from our Rock Tavern substation. We have no plans to go east out of the substation along our existing right-of-way. We plan to tie into our distribution lines that are already there now. It is like a water system when things begin to go dry, this is like a reservoir or well.

Mr. Craft: How come you are not coming further west?

Mr. Hinckley: We would have to build an existing lines to the west.

Mr. Craft: Are these connected now to the ones in the right-of-way?

Mr. Hinckley: We bought this in 1954 with the idea of using it as a development. We would not buy any other properties out to the Rock Tavern substation. We have 7 miles of lines and most of these are on our easement. We have the right of use to this property and we also have the right to share this piece in accordance with the terms of the easement.

Mr. Timberger: What is the width of the property on the west side of the road down there? You have one lot on the west side.

Mr. Hinckley: You are talking about the west side across from Bethlehem Road. This is 150 feet wide and is up above the grade of Bethlehem Road. There will be no screening around it to speak of. If we use this lot we would be below the grade and could take advantage of the natural screening there now.

Mr. Timberger: Does this have any connection with the 450 homes in the Mt. Airy development behind me?

Mr. Hinckley: Our electrical load has increased about 9% because of the residential boom over the past five years. This is putting an added burden on our distribution plant that now serves this area. However, we don't plan to build any more distribution lines at the present time.

Mr. Wygant: If there are no new comments to be made, I shall declare this hearing closed. We will reserve our decision pending receipt of the Orange County Planning Board's recommendations.

(Hearing closed - spectators excused.)

* * * * *

PUBLIC HEARING - 8:15 in the Matter of the Application of Peter and Betsy Foundas for a variance for rear yard on property located in a residential zone on St. Josephs Place.

Secretary read the application, public hearing notice and reported that 34 return receipts were received from adjacent property

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owners. A list from the Town Assessor was received and examined together with all fees paid.

A letter, dated August 17, 1973 was received from the Orange County Planning Dept. and read by the Chairman, stating no objections to this application.

Mr. Peter Foundas presented as follows:

"We purchased the land not too long ago to build a house. We tried to get a Building Permit but we were disapproved because of the reason of the back yard. We don't have enough room. We were told that we had to ask for a variance from you."

Mr. Wygant: You purchased this lot from the members of your family.

Mr. Foundas: Yes. My wife's grandmother has two lots there. She bought them in 1948. She kept the lots for this purpose for someone in the family to build a house. She did not want these lots sold to anyone else.

Mr. Sommers: Do you have water and sewage there?

Mr. Foundas: Yes. I believe this is the Ninth District.

Mr. Sommers: How close is the house to the rear of the lot?

Mr. Wygant: 12 feet at one point. The "L" shaped lot is theirs. At one spot the building will be closer than on the other side because of the shape of the lot.

Mr. Sommers: You will need a 23 ft. rear yard variance. There is a 35 ft. requirement for a variance.

back
Mr. Bilello: How far/is the house on this piece of property.

Mr. Foundas: There is 60 feet facing Union Avenue.

Mr. Ellsworth Weyant: (Town Assessor) That lot has been there and they have been paying taxes for over 40 years. These laws should be changed for people that have to go through this. This lot has been there. This is what the grandmother kept it for.

Mr. Wygant: We don't make the laws we just enforce the ordinance as we receive referrals.

Mr. Weyant: I think the laws should be changed. They have to go five streets away to get 500 people.

Mr. Sommers: This is from the State Legislation which comes out of Albany. Not a local ruling.

Mr. Goemann: The whole of St. Joseph's Place is 50 ft. lots from one side to the other. Just that particular area.

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Mr. Foundas: We bought two lots to have more room but it is an "L" shaped piece and we still need a variance.

Mr. Wygant: I think a motion is in order for this application.

Motion followed by Larry Bilello, seconded by Mark Stortecky to grant the following:

1. A 2,000 sq. ft. area variance,
2. 18 ft. frontyard variance,
3. 23 ft. rear yard variance and
4. 40 ft. lot width variance.

ROLL CALL:	Mrs. Budney	- Yes
	Mr. Bivona	- Yes
	Mr. Bilello	- Yes
	Mr. Goemann	- Yes
	Mr. Flanagan	- Yes
	Mr. Stortecky	- Yes
	Mr. Wygant	- Yes

Motion granted to Mr. and Mrs. Foundas by a unanimous vote of the board for permission to construct a home on St. Joseph's Place.

Regarding the above application, the Board found the following to be true:

1. The applicants seek only to build a residential home on a peculiar shaped lot, said lot being in a residential zone.
2. All of the other existing residences in the vicinity of St. Joseph's Place have a set back of 12 feet.
3. The construction of a residential home by the applicants will improve the area by the elimination of a vacant lot.

The Board, therefore, concluded the following:

1. Conditions and circumstances are unique to the applicants' land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone.
2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone.
3. Relief will not cause substantial detriment to the public good or impair the purposes of this ordinance.

* * * * *

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Chairman Fred Wygant reported the receipt of correspondence dated August 13, 1973 from the Orange County Planning Dept. regarding the creation of a Planning Federation of local communities. The meetings will be limited to three or four a year. First meeting will be September 10th and 11th for the presentation of the proposed federation at 8 p.m. Meeting will take place in Goshen.

Mrs. Louise Budney volunteered to attend this session.

Correspondence dated July 10, 1973 received from Mrs. Viola Lincoln with a list of complaints which were referred to the Building Inspector.

Letter also received, dated July 18th from John Stanton, Town Attorney directed to Theodore F. Marsden regarding a court decision turned over to Mr. Sommers for review.

Announcement of courses at the Orange County Community College with respect to Planning and Community Development. Anyone interested in attending should inform Mr. Wygant on further information. Courses would be held on 12 consecutive Tuesday evenings between September 18th and December 4th.

Chairman Wygant read a copy of the proposed 1973-74 Budget which would be submitted to the Town Board on or before September 1st. It was decided by all the Board members to submit last year's figures for submission to the Town.

Having no further business to discuss, Mr. Wygant called for a motion to adjourn. Motion followed by Larry Bilello, seconded by William Goemann. Motion carried, all ayes. Meeting adjourned.

Note: Next ZBA meeting was scheduled for Monday evening, September 17, 1973.

Respectfully submitted,



PATRICIA DELIO, Secretary

NEW WINDSOR ZONING BOARD OF APPEALS
Regular Session
October 1, 1973

MEMBERS PRESENT: Chairman Fred Wygant, Louise Budney, Wm. Goemann, Mark Stortecky, Ed Flanagan, Vincent Bivona and Lawrence Bilello.
No members absent.

ALSO PRESENT: Bernard J. Sommers, Esq., Board Attorney and Patricia Delio, Board Secretary.

The October 1, 1973 meeting of the Zoning Board of Appeals was called to order by Chairman Fred Wygant. Secretary called the roll.

Motion followed by Ed Flanagan, seconded by William Goemann to approve the September 17th minutes as written. There was no correspondence reportedly received.

PUBLIC HEARING: Application for a Variance and Conditional Use Permit of Frank Purdy to permit installation of Kennels for the keeping and boarding of dogs on Riley Road, Town of New Windsor.

Secretary read both applications, public hearing notice and reported that 22 receipts were received from adjacent property owners (3 returned). A list from the Town of Assessor of all property owners within 500 feet was accepted for the record, together with all fees due.

Frank Purdy presented the following information to the board and to the spectators: (spectators attendance record attached)

"I would like to have a commercial dog kennel to board dogs quite a few feet from the neighbors property line. I will have cement runs and it will be very sanitary and neat in appearance."

Mr. Wygant: How much land do you have?

Mr. Purdy: Nine acres.

Mr. Wygant: This will be more than 300 feet from all property lines except the New York State Thruway?

Mr. Purdy: Yes.

Mr. Sommers: How close to the Thruway property line?

Mr. Purdy: About 50 feet. Maybe 75.

Mr. Sommers: Do you have a plot plan?

(Plans submitted and examined by board members.)

Mr. Flanagan: How long have you owned the property?

Mr. Purdy: Ten years.

Mrs. Budney: Is this where the dog kennel is on 94?

Mr. Purdy: No. This is the old Monell Place.

Mr. Bivona: Where is the other dog kennel there?

Mr. Purdy: Camarest Kennels on 94.

Mr. Flanagan: How many dogs do you intend to handle?

Mr. Purdy: I could not take any more than I could handle.

Mr. Flanagan: Will you work it alone?

Mr. Purdy: Just myself will handle the dogs.

Mr. Stortecky: You are allowed so many dogs.

Mr. Purdy: It will be five dogs and I am going to have a kennel with 16 by 20 runs. The kennels themselves are 16 by 17 1/2.

Mr. Stortecky: You are allowed so many dogs to the space?

Mr. Purdy: I am talking about the dogs I have now. These are my own. I will not exceed the limit. I don't know how many I can have.

Mr. Stortecky: The State controls the amount of space to each dog.

Mr. Purdy: Each run is 20 ft. long and 4 ft. wide.

Mr. Wygant: Any other questions? Any questions from anyone in the audience?

Mrs. Collins: I live on Riley Road. It is supposed to be a residential section. I can't see how we can have a commercial dog kennel there. We already have one on Rt. 94. One is enough.

Mr. Condon: I own property there. I just sold an acre of land to a man building a \$40,000 home. Mr. Slutsky in Goshen has an option on another 4 acres. I am strictly opposed to this. If you give a variance for 5 or 6 dogs, they can put in 1,000. This is a place where the dogs are barking all the time.

Mr. Brian Harris: I am opposed to the dog kennel. When I bought it, it was a residential area. When I built homes and sold them, I also told them it was residential. Some of them came to speak for themselves. My lands joins this one and we have one on 94. Why don't they buy property out of the way and they can have a dog town. I love dogs. I am opposed to this. I spent quite a bit of money there. I work 16 and 17 hours a day. I know the area out there.

Mr. Edward Johnson: I live across from the proposed dog kennel. One of the things I dislike is the noise factor. I don't have a boundary that cuts noise off. I am faced with noise from the Thruway, the jetport and dogs. I can't rest. You also have traffic on Riley Road. I am going along with Mr. Condon. He is talking about having a commercial dog kennel. He could get a variance here. What will happen next. You mentioned the conditional use. What does this mean?

With my understanding and my familiarity with the other dog-kennels, the smell is going to be the problem. With the housing shortage in Newburgh, why does he have to put a dog kennel here? We need houses for people to live in. Another thing, we were under the impression when we bought the property that this was supposed to be a graveyard. This is quiet. Where are we going to go?

Mr. Wygant: Let me clarify. The ordinance permits certain uses in various districts. This being RA. Mostly residential. Uses, such as dog kennels, are granted only with a conditional use permit. Everybody in the area has the chance to voice their opinions before a use like this is permitted.

Mr. Edward Johnson: He said he owned this property for 10 years. I checked with the County office about a year ago. They told us this had been changed from a graveyard site. I am speaking for myself and my stepfather who lives next to me. We are definitely opposed. We own our own dogs and that is enough.

Mr. James Davis: I live on Riley Road. I didn't see the plans. He has to say it is going to be at a certain distance away but I would like to know from the plans. I could hardly visualize 9 acres of property on a triangle. It is not too straight to me.

Mr. Wygant: There is an adjoining piece of property that is shown on this map. Were these two parcels purchased by you at separate times. It never changed to commercial. Has always been R.A.

Mr. Harris: From what I have seen, he does not have 10 acres. Where he is thinking of building this kennel is on a line opposite of any dog kennels. They will be barking at each other. I live right next to Mr. Harris. Tree lines will not stop the barking.

Mr. Purdy: If you look on the map, there is one of 6 acres and one of three acres. I have a \$40,000 home there. As far as noise is concerned, I have to sleep now. There is a lumber yard; there is a florist. All I am asking for is what it is used for in the zoning.

Mr. Harris: He stated that there is six acres. It is only 5 acres and 2 1/2 acres on the other parcel. This doesn't come up to my way of thinking. Speaking about florists, this was a beautiful addition to the area. Nothing taken away from the area. No noise factor.

Mr. Wygant: There is 8.872 acres to clarify the records.

Mr. Sommers: Mr. Purdy, you say you maintain five of your own dogs? Do you have an existing kennel there? If there is an existing kennel from Col. Monell prior to this, did it exist within 50 ft. from the Thruway property?

Mr. Purdy: Yes.

Mr. Sommers: How long has it been there?

Mr. Purdy: For twenty years.

Mr. Sommers: Is it your intention to expand by adding on to

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that existing kennel or another location?

Mr. Purdy: It will be at that location. 16 by 17 1/2 ft.

Mr. Sommers: Are there existing runs there?

Mr. Purdy: Yes.

Mr. Sommers: Are you going to add runs?

Mr. Purdy: Yes.

Mr. Sommers: In the direction of the Thruway?

Mr. Purdy: Yes. A total area of 16 by 20 feet.

Mr. Sommers: With the kennel being the size it is, and with the runs, how many dogs at a maximum do you estimate you could board there?

Mr. Purdy: I would say 10.

Mr. Sommers: You could accommodate 5 dogs in addition to what you already have?

Mr. Purdy: Yes. That is correct.

Mr. Edward Johnson: The extension from my knowledge, and seeing what is happening there, with construction and trucks going in and out, it is already there. I have seen trucks. We understand from some of the other neighbors now that nobody was allowed in that property. Anyone going into that area was supposed to be reported.

Mr. Purdy: Let me explain. The house that was there before the work was started and the house was broken into and every window broken. The inside was destroyed. The police came out to check. We boarded up the windows. The garage door was broken off. We have a building permit granted by the town to build a house. This is being done by A. W. Grossley. Nothing to do with the kennels. This is the main house.

Mr. Condon: This property is about 380 feet deep. My property is across the street.

Mr. Purdy: Between the 3 acre property line, there is a distance of 732 feet from Harris' property. His property is across from Mr. Harris, adjacent to Dean Hill Road. This is probably 700 feet from the kennel at least.

Mr. Harris: He is not directly straight across in front of me. He is on the right of Dean Hill Road. How many feet do you have on Riley Road.

Mr. Condon: 390 feet from Dean Hill Road.

Mr. Harris: That 390 feet directly from Mr. Purdy, it runs directly from my place. Col. Monell never had a dog kennel since

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I have been there. He was blind and people took care of him. He didn't have any dogs there. I never saw any dog kennel there when he was there. He must have had them underground.

Mr. Purdy: Mr. Monell did not have any dogs during the past years. He had great danes and seeing eye dogs.

Mr. Harris: I lived there 10 years or better and I never saw them.

Mr. Purdy: They were kept on the side of the garage.

Unidentified woman in audience: He must have given them sleeping pills.

Mr. Sam Wilson: I am definitely opposed to this. I love dogs myself. As far as I am concerned, 10 dogs is just as good as 30 or 40 dogs.

Mr. Wygant: If there are no further statements, I will declare this hearing closed.

(Hearing closed - spectators excused.)

* * * * *

PUBLIC HEARING - 8:15 p.m. - Application for Conditional Use Permit of Leonard Sarinsky for property located on Rt. 32, to be used primarily as a used car lot with accessory use to service and repair cars to be resold as used cars.

Secretary read the application, public hearing notice and reported that 19 receipts were received from adjacent property owners (1 returned unclaimed.) Town Assessor's list received together with all fees. In addition to the application above, Mr. Sarinsky submitted a memo to the Board dated October 1, 1973 stating that he confirms that at no time will any wrecked vehicle be stored or placed in front of the building and that all work accomplished will be done inside the building.

Secretary also recorded a letter, dated September 26, 1973, from the Orange County Planning Dept. stating that they have no objection to this proposal.

Martin Semel, Esq., attorney representing Mr. Sarinsky, presented the following:

"My name is Martin Semel. I am a member of the firm of Siegel and Semel. We represent Mr. Sarinsky. The question which should concern this Board and Mr. Sarinsky's prospective neighbors is, can a leopard change his spots, and will Mr. Sarinsky continue or perpetuate the operation which he once conducted on Lake Street in the City of Newburgh. I can assure you, ladies and gentlemen, if for no other reason, Mr. Sarinsky's former method of operation was not economical. In addition, he has invested approximately \$75,000.00 in the construction and site preparation of a 60 by 80 ft. pre-fabricated building which accommodates 14 cars and a luxurious office, panelled and carpeted, with a kitchenette and private bath facilities to conduct a used car business.

In days gone by, in addition to a used car business, Mr. Sarinsky conducted an interest in Durham's Frame Shop which was physically on the same parcel as Mr. Sarinsky's business. Mr. Durham and Mr. Sarinsky made a great deal of money by offering to the public frame structure service and frames were ripped and straightened by frame machines and towed or driven back. We do not anticipate and we have no physical facilities to provide for frame straightening.

First, foremost and primarily, if this is within the zoning regulations, there will be the sale of late model, low mileage used cars. Certain of these cars may very well have been involved in a collision and there is no adequate space within the 4,800 square feet of the building to accommodate the repair of these cars. There is no necessity nor is it necessarily economical to tie up capital by buying wrecks and keeping them in the hopes that you may be able to use a portion of them. Mr. Sarinsky has a lot of catching up to do through no fault of his own and no fault of this town. Here he hopes and anticipates in making his living in the sale of used cars. He does not contemplate it being a junk yard. In so far as the surrounding area is concerned, this is more than compatible with the surrounding area because there is a gas station right next to it. There is an awful lot of traffic. They make outside repairs across the street at the tire place. I have had tires put on on the sidewalk. This is not the type of business we are going to be operating.

In so far as traffic, I would point out to this Board and members of the audience that we contemplate to sell relatively moderate low mileage late model used cars. In my experience, this is not a mad man midus. This is not a shoppers paradise. It is in the nature, and in my opinion, the most dignified responsible used car operation certainly in the town, if not in the County, with a \$75,000.00 capital for a building and site preparation. There will be no outside burning or disposal of cartons or crates. Any disposal of materials or old parts will be by private use. Any painting will be complied with under the municipal regulations.

What we wish to accomplish is to continue to make a living and accommodate the residents of New Windsor, Cornwall, and Newburgh with reliable cars. I own a car which Mr. Sarinsky reconditioned. It is refreshing that you can go back and find a responsible man who will stand behind his product. Also, the town is getting a ratable and getting a substantial businessman and citizen of the town doing business in the town where he lives.

I would ask the Board to give this application favorable consideration particularly in view of the County Planning Board's examination and approval. Thank you very much."

Mr. Wygant: Any members of the Board want to make any comments.

Mr. Sommers: Will the cars be sold outside the building or displayed for sale?

Mr. Semel: The cars as prepared for purchase will be displayed on the blacktop macadam in front of the building in an orderly parked fashion, yes.

Mr. Wygant: Will the entire lot or any portion of the lot be fenced in. If so, what type of fence?

Mr. Sarinsky: We haven't planned to cover the existing amount of wrecks there. The rear would be fenced any way you people want. As it stands now, we don't plan to have any vehicles outside. If the time comes, if we have two or three sitting around, we will fence.

Mr. Semel: If the plans are submitted and approved, we don't require a fence for security purposes. But we would be willing to incur that additional expense to accommodate the feelings of this Board.

Mr. Sommers: You have already been to the Planning Board for site plan for construction of the building?

Mr. Semel: Yes.

Mr. Sommers: Were there any conditions imposed by the Planning Board for any type of fence?

Mr. Semel: Only curb cuts.

Mr. Sommers: Any lighting conditions proposed?

Mr. Sarinsky: No. We don't plan on lighting. Only night lights on the corners and ornamental lights.

Mr. Semel: This is the only by-appointment used car business in the hestory of mankind. Not a nine in the morning until midnight or free coffee and donuts and bring-the-kids type thing. Only sales during the day. After five he is home with wife and family.

Mr. Goemann: What happens if he gets a car with a beat up fender and takes it off and puts a new one on. Same way with a door. What happens with the removal? Where does he put that?

Mr. Semel: The 4,800 square feet within the building is more than adequate to accommodate. We have bins for storage of these non-salvageable materials.

Mr. Goemann: I know his operation is not that big. He has 4,800 square feet. His operation is not that big. It would be different from a body shop. He was in before. He only will leave it there for a while. But, all of a sudden, you have an accumulation and you have to backup a truck and cart it away. This is in public view at this time. Some sort of fence I would go along with. If by chance you could get an overflow, you would have a screened place for these.

Mr. Semel: In view of a \$75,000 investment, plus land, we would be glad to put up a fence.

Mr. Wygant: Do you have a copy of the final approved site plan?

Mr. Semel: Not in this file.

Mr. Wygant: I think we have a map from the last hearing. There were changes made.

Mr. Sarinsky: When we first came in here we wanted the building set 100 feet back from the corner line due to the fact that this is an RB zone from Union Avenue. But since that date it is no longer an RB zone. It was zoned on Union Avenue professional. The requirement was not needed, but we moved the building back any way. It will be submitted to you.

Mr. Wygant: Does anyone in the audience wish to speak regarding the above application?

Mr. Jack Yox: I live at 224 Daniher Avenue. I very seriously object to this thing. A few months ago I was up to a hearing and that hearing concluded with the idea that Mr. Sarinsky was to put up a building for the sale of parts, period. That was the end. He never can ask for anything other than that. Then, one Sunday morning I see iron workers putting up big doors. This is not for parts. This is to house at least 14 vehicles for repair. I am the first house back on Daniher Avenue. I have a problem. I am suffering from glaucoma. It might come out good or bad. Knowing that that thing was in the works and the fact that I face forced retirement, is bad. I have air conditioned my home so that I don't have any bad weather to go through which affects my disease. I put aluminum siding on the outside. This is where I have to live in the event I lose my eyesight. If I have to sit on my lawn and listen every time that guy at the tire place drops a wrench on that apron or hear all the noise from this new operation, it will be a burden on me. It started out as a little used part operation. Next time this subject comes up, what is he going to ask for? I am 69 going on 70, but I will be 71 going on 85 before the winter is over.

Mr. Semel: The sale of used cars is within the existing zoning in question and that we appeared before the board for conditional use for repair of cars. May I further clear up the fact that I did not mean to imply not to buy wrecks but to acquire cars with the least amount of repair needed for the maximum profit. This is what it is all about. Making an honest days pay for an honest days work. I just wanted to point out to the Board that so far as the sale of these cars is concerned, it is an alienable right under the existing statute.

Mr. Yox: I fear the same thing that's in Newburgh on Mill Street. I know my property will be devaluated. A few dollars is the least thing I can worry about now but I spent 22 years here. If you go ahead with this, I don't know how much good I can do here.

Mr. Semel: Mr. Sarinsky is not getting any younger either and not looking for any careers like Mill Street and he's just trying to continue.

Mr. Wygant: The point is well taken.

Mrs. Genevieve Thompson: I live at 293 Union Avenue. I rather question this situation of work. We were awoken on two Sunday mornings, a day of rest, at quarter of seven in the morning. One Sunday morning there was concrete mixing machines going and the banging of iron. We are entitled to our piece and tranquility. We have lost something. I took a ride up there. Mr. Sarinsky was there. He was supporting this. It was also my idea that he got permission for a warehouse to sell auto parts. I was for that. I am not for

fixing wrecks which I will have to over see. I am getting near the retirement age. I spent 35 years there. The smell of fumes cannot be filtered. There is a possibility that he is going to store parts there. Oil will filter into that stream. I have a letter from the Environmental Control. If they are informed of this, they will take action. These gentlemen sitting here on the Board should take this into consideration.

Mr. Semel: I want to apologize for the Sunday work. We were at the mercy of our contractors. We were not happy about this. We are not contemplating Sunday sales.

Mrs. Thompson: We were awoken at 7:30 in the morning. Mr. Sarinsky condoned it.

Mr. Semel: There is no question about this. We apologize for Sunday inconvenience.

Miss Helen Miller: I live at 231 Daniker Avenue. I object vigorously. I heard tonight that this is a professional zone. It was zoned RB. None of us were notified. This was RB up to July 6, 1973? From the Arco Station all the way down to Franklin Avenue it is RB, one-family, and goes back 100 feet. New Windsor will be getting a tax rateable, sure. They already have it with his warehouse. I am not interested in what is going to be on the front on Rt. 32. I am interested in the rear or the sides. I am interested in the noise pollution and the odor. Three bays cannot be closed in the summer time. I don't intend to keep my doors shut. Can they repair cars and not have any sound and it will be inside? We were happy when we found out that he was going to sell parts and we put up with the Sunday noise. We weren't being malicious. We were protecting our property investment. We had 320 signatures on a petition we had in our residential area. We are all affected by noise. It is not suitable for that. Was he given encouragement to go further than a warehouse? We thought it would be protected from noise pollution and fumes and we don't want our properties devaluated. It has been zoned unfairly. Before he owned the property he knew how the neighbors felt in that area. He went through with it anyway. We feel there is no hardship. Who encouraged him? Why is he there to ask for that same old used car lot we protested in the area?

Mr. Wygant: If there are no additional comments from anyone, I shall declare the hearing closed. If you will wait in the hallway, the Board will hold a brief executive session and make decisions on the hearings held.

(Audience excused.)

After a brief executive session, the audience was called back to the meeting room and the hearing resumed.

Motion followed by Lawrence Bilello, seconded by Mark Stortecky, to reopen the Purdy hearing for the purposes of notifying the New York State Thruway Authority (who was never notified by applicant) and to notify the Orange County Planning Dept.

ROLL CALL: Mrs. Budney - Yes
Mr. Bivona - No
Mr. Bilello - Yes
Mr. Goemann - No
Mr. Flanagan - No
Mr. Stortecky - Yes
Mr. Wygant - No

Motion denied.

A second motion was then made by William Goemann, seconded by Ed Flanagan to grant a conditional use permit to Frank Purdy to operate a commercial dog kennel. ~~and to allow the use of the property for a commercial dog kennel.~~

ROLL CALL: Mrs. Budney - No
Mr. Bivona - No
Mr. Bilello - Yes
Mr. Goemann - No
Mr. Flanagan - No
Mr. Stortecky - Abstaining
Mr. Wygant - No

Motion denied for application of Mr. Purdy - 5 nays - 1 aye and 1 abstention, for a conditional use permit.

* * * * *

A third motion was then made by William Goemann, seconded by Ed Flanagan to grant a 250 ft. rear lot area variance to Mr. Purdy.

ROLL CALL: Mrs. Budney - No
Mr. Bivona - No
Mr. Bilello - Yes
Mr. Goemann - No
Mr. Flanagan - No
Mr. Stortecky - Abstaining
Mr. Wygant - No

Motion denied for variance for Mr. Purdy to operate a dog kennel on Riley Road, 5 nays - 1 aye and 1 abstention.

Regarding the above application of Purdy for a conditional use permit, the Board found the following to be true:

1. The surrounding properties are utilized by residences and a dog kennel would not be in keeping with the neighborhood.
2. The proposed use will tend to give off odors and create an unusual amount of noise.
3. The applicant has had the property subdivided and the proposed use is not intended to be placed on a 9 acre parcel but rather a 2.9 acre parcel.

The Board, therefore, concluded the following:

1. The requested use will create conditions different from existing uses in the area.

2. Such use will be the cause of giving off odors and noise from barking dogs.

3. Such use will change the character of the neighborhood from residential to commercial.

Regarding the above application of Purdy for a variance, the Board found the following to be true:

1. The applicant failed to show hardship as it appears the property is large enough to place a kennel so that it will not be within 300 ft. of any side of the property.

2. The applicant failed to show that strict application of the ordinance would deprive him of a reasonable use of the land.

Therefore, the Board concluded the following as to the above application for a variance:

1. Conditions and circumstances are not unique to the applicant's land, structure or building and do apply to the neighboring lands, structures or buildings in the same zone.

2. Strict application of the provisions of this ordinance would not deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone.

Regarding the Sarinsky application, motion followed by William Goemann, seconded by Lawrence Bilello to grant conditional use permit to permit the repair of cars for resale as used cars upon the condition that no cars are to be repaired or materials be stored anywhere outside of the building except within a 20 by 30 ft. area which is to be enclosed by a 10 ft. stockade fence, to the northeast corner of the property.

ROLL CALL: Mrs. Budney - Yes
Mr. Bivona - Yes
Mr. Bilello - Yes
Mr. Goemann - Yes
Mr. Flanagan - Yes
Mr. Stortecky - Yes
Mr. Wygant - Yes

Application of Leonard Sarinsky for conditional use permit granted by unanimous vote of the Board.

Regarding this application, the Board found the following to be true:

1. The subject property is situated in a commercially improved area consisting of Motor vehicle service stations and the

October 1, 1973

requested use is similar to existing business conditions in area.

2. The sale of used cars shall be few in number and restricted to cars serviced and repaired by applicant. Very limited number of purchasers using entrance and exit.

3. The opening on the highway will be very wide at the point where traffic can be seen in both directions.

4. No outside work will be done on premises. No burning of any materials and no motor repairs to be done on premises.

5. No manufacturing will be done on premises and no work on used cars will cause electrical discharge, dust, etc.

6. The adjoining and neighboring lands are devoted to motor vehicle and accessory services and repair and sales.

The Board, therefore, concluded the following:

1. The requested use will not create conditions different from existing uses in the area.

2. Such use will not cause congestion around entrance or exit.

3. Such use will not create traffic hazards.

4. Such use will not be the cause of giving off of noxious gases, odors, smoke or soot.

5. Such use will not cause disturbing emission of electrical discharges, dust, light, vibration, noise or radioactivity.

6. Such use will not change the character of the neighborhood.

Secretary reminded the members that there would not be another meeting of the Board until November 5th at which time three hearings would be heard.

Since there was no other business to conduct, motion followed by Larry Bilello, seconded by William Goemann to adjourn. Motion carried, all ayes. Meeting adjourned.

Respectfully submitted,

Patricia Delio

Patricia Delio, Secretary

10/1/73 - Public Hearing

Leonard Sarinsky

<u>Spectators:</u>	<u>Address:</u>	<u>Cor, Union</u>
Michael Buscigella	170 Windsor	Down Ave
Genevieve Thompson	293	Yves Ave
Jack Fox	224	Doncker Rd
Mrs. John Fox	224	Doncker Rd.
A.C. Stiguttner	230	James St.
John Venzigly	228	James St.
John Mitchell	228	James St.
H. Miller	231	Doncker Ave N.W.

10/1/73 Public Hearing

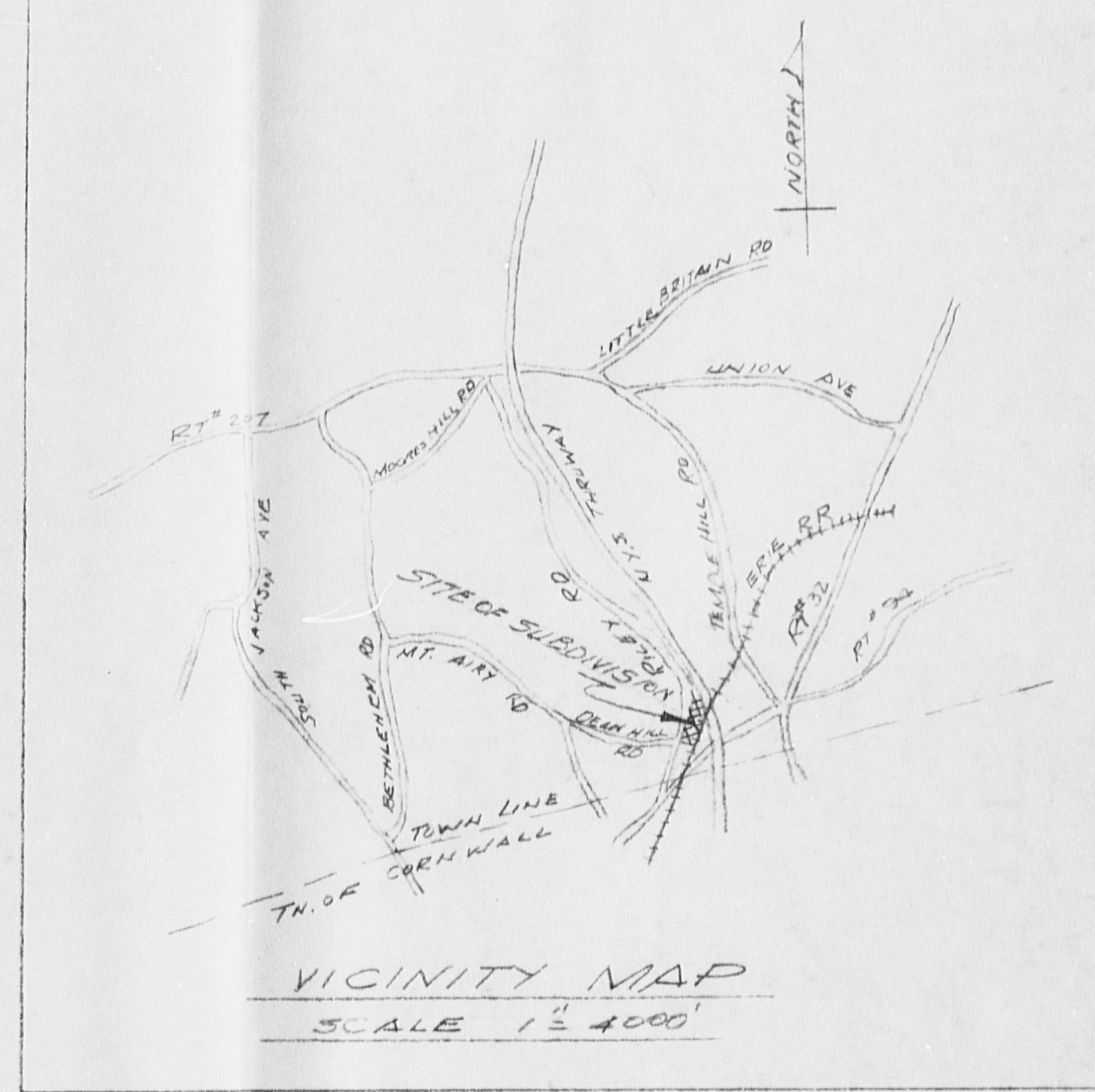
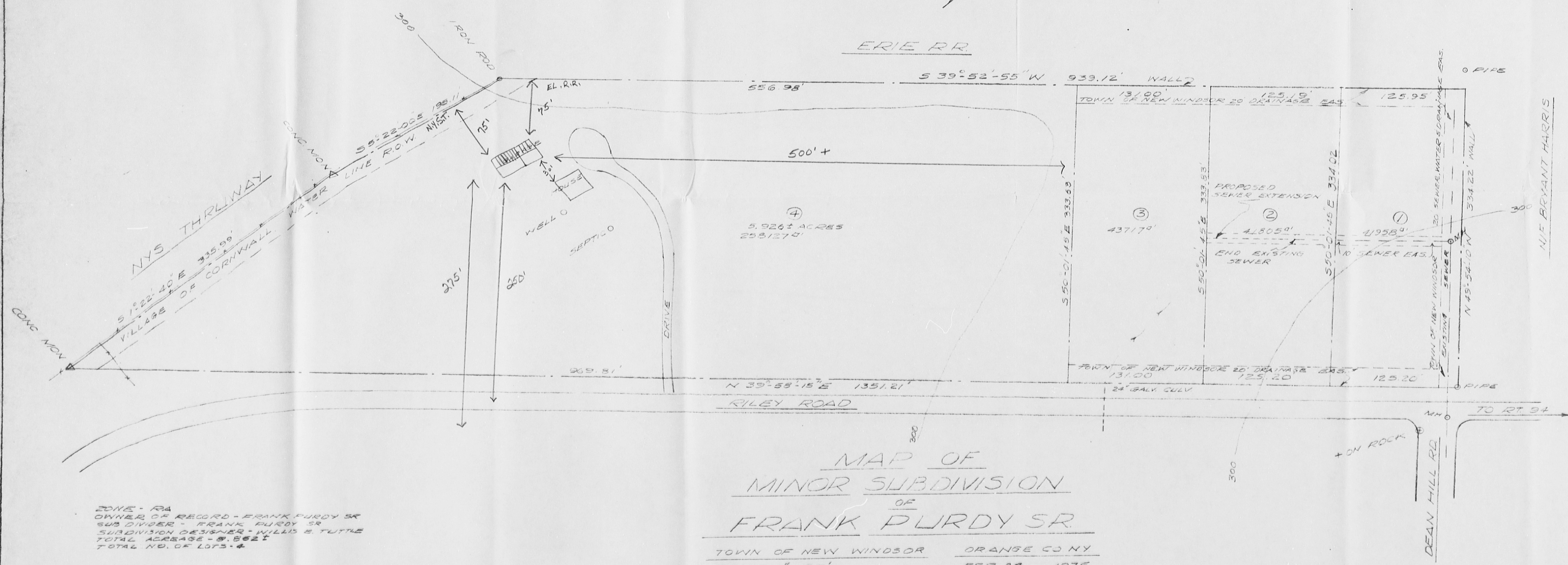
8 p.m.

Frank Purdy

Spectators Name:

Address:

Frank D. Purdy	RD#2 RILEY RD NEWBURGH
Frank D. Purdy	RD#2 Riley Rd
Edward Johnson	Rd #2 Riley Rd Newburgh
James O. Davis	Rd #2 Riley Rd Newburgh NY
Bryant Harris	" " " " " "
Ella M. Harris	" " " " " "
Maria R. Davis	" " " " " "
Mykey Gordon	Property owner
Roberta Greene	Rd. 94 - 1 mile E. of N.Y.
MARY COLLINS	RD#2 Riley Rd
Carrie Wilson	R.D. #2 Riley Rd.
Sam Wilson	R.D. 2 RILEY RD.



ZONE - RA
 OWNER OF RECORD - FRANK PURDY SR
 SUB DIVIDER - FRANK PURDY SR
 SUBDIVISION DESIGNER - WILLIS E. TUTTLE
 TOTAL ACRES - 5.9265
 TOTAL NO. OF LOTS - 4

MAP OF
 MINOR SUBDIVISION
 OF
 FRANK PURDY SR.
 TOWN OF NEW WINDSOR ORANGE CO NY
 SCALE 1" = 50'
 FEB 24 1975
 REVISED JUNE 11 1975



WILLIS E. TUTTLE LAND SURVEYOR
 BOX 110 RD 4 NEWBURGH NY 12550